

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 2057-01
Bill No.: HB 906
Subject: Buses; Transportation; Children and Minors; Telecommunications
Type: Original
Date: April 7, 2011

Bill Summary: This proposal prohibits the use of hand-held electronic communications devices by persons operating school buses that are transporting children.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2012	FY 2013	FY 2014
General Revenue	\$0	Unknown - Less than \$100,000	Unknown - Less than \$100,000
Total Estimated Net Effect on General Revenue Fund	\$0	Unknown - Less than \$100,000	Unknown - Less than \$100,000

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2012	FY 2013	FY 2014
Highway Fund	Unknown - Less than \$100,000	Unknown - Less than \$100,000	Unknown - Less than \$100,000
State School Moneys Fund	\$0	\$0*	\$0*
Total Estimated Net Effect on Other State Funds	Unknown - Less than \$100,000	Unknown - Less than \$100,000	Unknown - Less than \$100,000

*Offsetting Savings and Loss in FY 13 and FY 14 to State School Moneys Fund is Unknown - Less than \$100,000.

Numbers within parentheses: () indicate costs or losses. This fiscal note contains 8 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2012	FY 2013	FY 2014
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2012	FY 2013	FY 2014
Total Estimated Net Effect on FTE	0	0	0

☐ Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).

☐ Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2012	FY 2013	FY 2014
Local Government	Unknown - Less than \$100,000	Unknown - Less than \$100,000 to (Unknown -Less than \$100,000)	Unknown - Less than \$100,000 to (Unknown - Less than \$100,000)

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of Prosecution Services** and the **Department of Public Safety - Office of the Director, Capitol Police**, and **Missouri State Highway Patrol** state this proposed legislation will have no fiscal impact on their agencies.

Officials from the **Department of Elementary and Secondary Education** state this proposal will have no fiscal impact on their agency or on local school districts.

Officials from the **Department of Revenue(DOR)** provided the following assumption regarding fiscal impact to the Driver License Bureau (DLB)

Administrative Impact

DOR assumes a new conviction code would need to be created.

The Driver License Bureau estimates 40 overtime hours of system testing by one Administrative Analyst I @ \$16 per hr x 1½ = \$24 per hr x 40 hrs = \$960.

Oversight assumes DOR is provided with core funding to handle a certain amount of activity each year. **Oversight** assumes DOR could absorb the personal service costs related to this proposal. If multiple bills pass which require additional staffing and duties at substantial costs, DOR could request funding through the appropriation process.

The offense created under this provision will result in an unknown increase in the number of convictions. The increase in convictions will also increase the number of point warning and suspension/revocation notices issued for accumulation of points.

There are no statistics available to determine how many additional convictions DOR may be required to process; however, one FTE processes 320 convictions per day. The Department assumes that a minimum of one FTE (Revenue Processing Tech) will be needed to process the additional convictions resulting from the violation. If the volume of convictions received for processing exceeds 320 per day, then additional FTE may be required and will be requested through the appropriations process.

ASSUMPTION (continued)

There are no statistics available to determine the volume of telephone calls that may be received; however, currently a Telephone Information Operator (Revenue Processing Tech) is required to handle 100 calls per day. The Department assumes that a minimum of one FTE will be needed to answer the additional phone calls. If the calls received, for text messaging while operating a school bus exceeds 100 calls per day, an additional FTE will be required and will be requested through the appropriations process.

DOR is unable to determine how many convictions will be received for texting while operating a school bus, therefore, the forms and postage costs for issuing the suspension/revocation notices is unknown.

Costs:

Revenue Processing Tech - Process additional convictions for texting while operating a school bus.

Revenue Processing Tech (A10/L) (Telephone Information Operator) - To answer telephone calls related to texting while operating a school bus.

Oversight assumes there will be a minimal amount of violations created by this proposal. If a significant amount violations do occur, DOR may request additional personal services through the appropriations process.

Information Technology - OA-ITSD (DOR)

DOR's response to a similar proposal in prior years would have indicated the Department planned to absorb the administrative costs to implement the proposal. Due to budget constraints, reduction of staff and the limitations within the Department's driver license legacy systems, changes cannot be made without significant impact to the Department's resources and budget. Therefore, the IT portion of the fiscal impact is estimated with a level of effort valued at \$1,060 calculated on 40 hours.

Oversight assumes OA-ITSD (DOR) is provided with core funding to handle a certain amount of activity each year. If multiple bills pass which require additional staffing and duties at substantial costs, DOR could request funding through the appropriation process.

ASSUMPTION (continued)

Revenue Impact

Reinstatement Fees Collected - Unknown

Fees Collected will be distributed 75% Highway Funds, 15% Cities and 10% Counties.

For fiscal note purposes only, **Oversight** will show fee income to Highway Fund, Cities and Counties as Unknown - Less than \$100,000.

Oversight assumes any fine revenue from the infraction will be collected by and paid to local political subdivisions, specifically local school districts. This would be considered a deduction in the following year's allocation from the state to the State School Moneys Fund and then to the local school districts, resulting in a savings to the General Revenue Fund.

Officials from the **Independence School District, St Louis County, and Kansas City** state this proposal will have no fiscal impact on their respective political subdivisions.

Officials from the **St Louis County Police Department, Springfield Police Department, Boone County Police Department, Jefferson City Police Department, and the Columbia Police Department** state this proposal will have no fiscal impact on their respective law enforcement agencies.

FISCAL IMPACT - State Government

FY 2012
(10 Mo.)

FY 2013

FY 2014

GENERAL REVENUE

Savings - Department of Elementary and Secondary Education (DESE) - Reduced appropriation to State School Moneys Fund (deduction of fine revenue from previous year) (§304.054)

\$0 Unknown - Less than \$100,000 Unknown - Less than \$100,000

ESTIMATED NET EFFECT ON GENERAL REVENUE

\$0 Unknown - Less than \$100,000 Unknown - Less than \$100,000

STATE SCHOOL MONEYS FUND

Savings - DESE - Reduced distribution to local school districts (§304.054)

\$0 Unknown - Less than \$100,000 Unknown - Less than \$100,000

Loss - DESE - Reduced appropriation from General Revenue (§304.054)

\$0 (Unknown - Less than \$100,000) (Unknown - Less than \$100,000)

ESTIMATED NET EFFECT ON STATE SCHOOL MONEYS FUND

\$0 \$0 \$0

HIGHWAY FUND

Income - Department of Revenue - Reinstatement fees (§304.054)

Unknown - Less than \$100,000 Unknown - Less than \$100,000 Unknown - Less than \$100,000

ESTIMATED NET EFFECT ON HIGHWAY FUND

Unknown - Less than \$100,000 Unknown - Less than \$100,000 Unknown - Less than \$100,000

FISCAL IMPACT - Local Government

FY 2012
 (10 Mo.)

FY 2013

FY 2014

LOCAL POLITICAL SUBDIVISIONS

Revenue - School Districts - Income from
 fines (§304.054)

Unknown - Less than \$100,000	Unknown - Less than \$100,000	Unknown - Less than \$100,000
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Revenue - Cities and Counties -
 Reinstatement fees (§304.504)

Unknown - Less than \$100,000	Unknown - Less than \$100,000	Unknown - Less than \$100,000
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Loss - School Districts - Reduced State
 Aid (§304.054)

	(Unknown - Less than \$100,000)	(Unknown - Less than \$100,000)
\$0		

**ESTIMATED NET EFFECT ON
 LOCAL POLITICAL SUBDIVISIONS**

<u>Unknown - Less than \$100,000</u>	<u>Unknown - Less than \$100,000 to (Unknown - Less than \$100,000)</u>	<u>Unknown - Less than \$100,000 to (Unknown - Less than \$100,000)</u>
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FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

FISCAL DESCRIPTION

This proposal prohibits any person operating a school bus upon a highway or other public roadway in the state who is transporting children at the time from using a hand-held electronic wireless communications device to send, read, or write a text or electronic message or make or take part in a telephone call.

These provisions do not apply if the device is being used to report illegal activity, summon medical or emergency help, prevent injury to a person or property, or relay information between a school bus operator and the dispatcher and the device is permanently affixed to the bus; if the bus is lawfully parked or stopped; or if the device is permanently embedded into the design of the bus.

FISCAL DESCRIPTION (continued)

Anyone violating the provisions of the proposal will be guilty of an infraction which will be deemed a moving violation for the purpose of assessing points against a person's driver's license. Any city or county has the authority to adopt ordinances or regulations that are equivalent to, but not more restrictive than, these provisions.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Elementary and Secondary Education

Department of Public Safety

Missouri State Highway Patrol

Capitol Police

Department of Revenue

School Districts

Independence

Cities

Kansas City

Counties

St Louis County

Local Law Enforcement

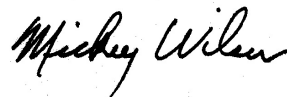
St Louis County Police Department

Columbia Police Department

Jefferson City Police Department

Boone County Police Department

Springfield Police Department



Mickey Wilson, CPA

Director

April 7, 2011